

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.292 of 2011

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1. Sri Rajeshwar Dayal son of Sri Shiveshwar Dayal Sinha @ Shiveshwar Dayal, resident of B-42, Kankarbagh Housing Colony, P.O. Kankarbagh, P.S. Kankarbagh, Patna-800 020.
 2. Sri Shiveshwar Dayal Sinha @ Shiveshwar Dayal, son of Late Gauri Shankar Narain Sinha, resident of B-42, Kankarbagh Housing Colony, P.O.-Kankarbagh, P.S.-Kankarbagh, Patna-800 020.
- Appellants

Versus

Smt. Nirmala Srivastava wife of Sri Rajeshwar Dayal and daughter of Sri B.P. Srivastava, resident of B-139, S. K. Puri, P.S.-S. K. Puri, P.O.-G.P.O., Patna.

.... Respondent

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with

Miscellaneous Appeal No.293 of 2011

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Sri Rajeshwar Dayal son of Sri Shiveshwar Dayal Sinha, resident of B-42, Kankarbagh Housing Colony, P.S.-Kankarbagh, P.O.-Kankarbagh, Patna-800 020.

.... Appellant

Versus

1. Smt. Nirmala Srivastava wife of Sri Rajeshwar Dayal and daughter of Sri B.P. Srivastava
2. Sri B.P. Srivastava son of Late Naurangi Lal
3. Sri T. P. Sinha son of Sri B.P. Srivastava
All resident of B-193, S. K. Puri, P.S.-S. K. Puri, P.O.-G.P.O., Patna.
4. Sri Atul Kumar Varma, resident of "VANDANA" House No. H-3, Abhiyanta Nagar, P.O.-B. V. College, District-Patna.

.... Respondents

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Appearance :

(In MA No.292 of 2011)

For the Appellants : Mr. Janardan Prasad Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate

For the Respondent : Mr. Birendra Narayan Sharma, Advocate
Smt. Nutan Sahay, Advocate

(In MA No.293 of 2011)

For the Appellant : Mr. Janardan Prasad Singh, Sr. Advocate
Mr. Deepak Kumar, Advocate

For the Respondents : Mr. Birendra Narayan Sharma, Advocate
Smt. Nutan Sahay, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)



39 03-08-2017 Mr. Janardan Prasad Singh, learned Senior Advocate for the appellants and Mr. Deepak Kumar, learned Advocate for the appellants, have appeared in both the appeals and Mr. Birendra Narayan Sharma, learned Advocate for the respondents and Smt. Nutan Sahay, learned Advocate for the respondents, have appeared in both the appeals.

The respondents have preferred a cross-objection by filing Interlocutory Application no. 6415 of 2014 in Miscellaneous Appeal no. 292 of 2011.

Learned counsel for the appellants submits that it would be apparent from the order dated 30.07.2015 that the parties have reached to an one time settlement and, as per the settlement, husband was required to be paid Rs. 2,00,000/- (Two lakhs) in equal instalments. The first instalment of Rs.1,00,000/- was required to be paid within fifteen days and the second instalment of Rs.1,00,000/- within a period of four months. Till the total agreed amount was paid, the appellant-husband was directed to pay the maintenance amount also which was directed by the Family Court.

Learned counsel for the appellants as well as respondents jointly submit that the respondents have received Rs. 2,00,000/- and till the payment of Rs. 2,00,000/- was made, the



maintenance amount of Rs.400/- per month was also paid but the same is not required to be paid any more as one time settlement amount has already been received by the respondents. As such, it is contended that the appellants would not press the appeals and the respondents would not press the cross-objection.

Accordingly, both the appeals and the cross-objection stand disposed of and the judgment and decree passed by the Principal Judge, Family Court, Patna, in Matrimonial Case no. 88 of 1995 is upheld as the one time settlement has been reached and acted upon by the parties. However, in view of the aforesaid one time settlement reached by the parties and the required agreed amount of rupees two lacs already having been paid by the appellants and received by the respondents, no further maintenance amount of Rs.400/- per month is required to be paid by the appellant-husband to the respondents.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

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